

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SINGULARDTV, GmbH,

Plaintiff,

v.

JOHN DOE,

Defendant.

Civil Action No.: 1:21-cv-06000-VEC

ORDER

Hon. Valerie E. Caproni, District Judge:

Plaintiff commenced this action with the filing of its Complaint on July 13, 2021. (“Compl.” (Dkt. #1)). The Court is also in receipt of Plaintiff’s July 20, 2021 motion for leave to serve a third-party subpoena (Dkt. #2 (Pl. Mem.”), and the supporting declaration and exhibits attached thereto (Dkt. # 3 – 5). Plaintiff’s motion seeks leave to serve a third-party subpoena on Google LLC (“Google”) and Binance Holdings Limited (“Binance”) in advance of a Federal Rule of Civil Procedure 26(f) conference. Defendant John Doe is alleged to have unlawfully hacked a computer system on Plaintiff’s network and fraudulently obtained SNGLS token cryptocurrencies (the “Tokens”) as a result of the hack and fraudulent misrepresentation. (*See generally* Compl.). Plaintiff now seeks to ascertain Defendant’s name and identifying information from Google and Binance, and information about the stolen cryptocurrency from Binance. (*See generally* Pl. Mem.).

“A party may seek expedited discovery before the Federal Rules of Civil Procedure Rule 26(f) conference when authorized by a court order.” *Next Phase Distrib., Inc. v. John Does 1-27*,

284 F.R.D. 165, 171 (S.D.N.Y. 2012) (citing Fed. R. Civ. P. 26(d)(1)). Courts in this District “use a ‘flexible standard of reasonableness and good cause’ when considering whether to grant such an order.” *Id.* (citation omitted). In cases involving John Doe defendants, courts in this District routinely “have found good cause for expedited discovery to determine the identity of John Doe defendants where the plaintiff has stated a prima facie case and is unable to identify the defendants without a court-ordered subpoena.” *AdMarketplace, Inc. v. Tee Support, Inc.*, No. 13-cv-5635 (LGS), 2013 WL 4838854, at *2 (S.D.N.Y. Sept. 11, 2013) (collecting cases). Here, the Court finds that Plaintiff has shown good cause for expedited discovery to identify Defendants and locate the stolen property wrongfully sourced through Defendant’s unlawful conduct. The Court further finds that the scope of the expedited discovery is reasonable. Therefore, the Plaintiff’s motion is GRANTED.

IT IS HEREBY ORDERED that Plaintiff may immediately serve a Rule 45 subpoena on Google to obtain information to identify John Doe, specifically her or his true name and recovery e-mail(s) and phone number(s) associated with the “arielevycohen@gmail.com” Gmail e-mail account.

IT IS FURTHER ORDERED that Google will have *60 days* from the date of service of the Rule 45 subpoena upon them to contest this subpoena;

IT IS FURTHER ORDERED that Plaintiff may immediately serve a Rule 45 subpoena on Binance to obtain information to identify and locate the wallet addresses of current Token holders.

IT IS FURTHER ORDERED that Binance will have *60 days* from the date of service of the Rule 45 subpoena upon them to contest this subpoena;

IT IS FURTHER ORDERED that if that 60-day period lapses without Google or

Binance contesting the subpoena, Google and Binance shall have *10 days* to produce the information responsive to the subpoena to Plaintiff.

IT IS FURTHER ORDERED that the subpoenaed entities shall preserve any subpoenaed information pending the resolution of any timely-filed motion to quash.

IT IS FURTHER ORDERED that Google shall confer with Plaintiff and shall not assess any charge in advance of providing the information requested in the subpoena. Should Google elect to charge for the costs of production, it shall provide a billing summary and cost report to Plaintiff.

IT IS FURTHER ORDERED that Binance shall confer with Plaintiff and shall not assess any charge in advance of providing the information requested in the subpoena. Should Google elect to charge for the costs of production, it shall provide a billing summary and cost report to Plaintiff.

IT IS FURTHER ORDERED that Plaintiff shall serve a copy of this Order along with any subpoenas issued pursuant to this order to Google.

IT IS FURTHER ORDERED that Plaintiff shall serve a copy of this Order along with any subpoenas issued pursuant to this order to Binance.

IT IS FURTHER ORDERED that any information ultimately disclosed to Plaintiff in response to a Rule 45 subpoena may be used by Plaintiff solely for the purpose of identifying Defendant and protecting Plaintiff's rights as set forth in its complaint.

SO ORDERED this ____ day of _____, 2021.

HON. VALERIE E. CAPRONI
United States District Judge